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REMARKS

In response to the final Office Action mailed on August 18, 2008, and the Notice of Panel Decision from Pre-Appeal Brief Review, Applicants respectfully requests reconsideration. Claims 1-20 are pending in this Application. Claims 1, 12 and 17 are independent claims and the remaining claims are dependent claims. Claims 1, 12 and 17 have been amended. Applicants believe that the claims as presented are in condition for allowance. A notice to this affect is respectfully requested.

Claims 1 and 3-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,737,330 to Fulthorp et al. (hereinafter Fulthorp) in view of U.S. Patent No. 6,807,159 to Shorey (hereinafter Shorey). Fulthorp teaches a system and method for the efficient control of a radio communications network.

Claim 1 recites receiving a temporal period and a when the temporal period cannot be accommodated, then determining a temporal offset for a wake-up schedule. Claim 1 has further been amended to recite "...said temporal period based on existing transmission schedules and wherein said temporal period is utilized for subsequent wake-ups independent of beacons...".

As stated in the specification as filed at paragraph 46, the temporal offset is used to keep the rate of collisions between the new wake-up schedule and existing schedules below a threshold value.

In the Examiner's rejection, the Examiner has stated multiple different items as being equivalent to the claimed temporal period and temporal offset. For example, on page 2, the Examiner states that the "data indicative of a communications interval" is equivalent to a temporal period. Later in the rejection, the Examiner equates a "particular time frame" as being equivalent to the temporal period. Thus, the Examiner is interpreting the claimed temporal period as both data indicative of a communication interval and a particular time frame. The Examiner cannot interpret a claim so broadly as to read on two different things, and base a rejection on that. The Examiner is asked to specify

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in detail which element of Fulthorp he is interpreting as the temporal period, either the “data indicative of a communications interval” or “a particular time frame” so that an appropriate response can be determined. Further, the amendments to claims 1, 12 and 17 have further defined the temporal period such that the term cannot be so broadly interpreted as to read on the two items described above.

Similarly, claims 1, 12 and 17 have been amended to further rdefine the temporal offset as “..., wherein said temporal offset is based on existing wake-up schedules and is utilized to reduce an occurrence of concurrent wake-ups, and wherein said temporal offset indicates a relative time with respect to said temporal period ...”.

The Examiner has previously interpreted the term temporal offset broadly, equating the claimed temporal offset as both a “poll sequence” and as a “polling interval”. Again, the claim element cannot be interpreted so broadly that it is considered the same as two completely different things in order to base a rejection. Obviously, a polling sequence is different than a polling interval. An interval is defined as a space between things, whereas a sequence is defined as an order of succession. The Examiner is asked to specify in detail which element of Fulthorp he is interpreting as the temporal offset, either the “polling interval” or “a poll sequence” so that an appropriate response can be determined. Applicants assert that the claimed temporal offset is neither a space between things nor an order of succession., as currently defined in the amended independent claims.

Accordingly, since Fulthorp fails to disclose or suggest the use of a temporal period and a temporal offset as described in detail in the independent lciamis, claim 1 is believed allowable over Fulthorp and Shorey. Claims 12 and 17 contain similar language regarding a temporal period and temporal offset, and are believed allowable for at least the same reasons as claim 1. Claims 3-11, 13-16 and 18-20 depend from claim 1, 12 or 17 and are believed allowable as they depend from a base claim which is believed allowable.

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Regarding claim 3, claim 3 states in part "...selecting a value for said temporal offset so that the rate of collisions between said wake-up schedule and said one or more existing schedules is below a threshold". In claim 3 it is the rate of collisions that is sought to be kept below a threshold. In the rejection of claim 3 the Examiner states that any remote units that do not see the ID on a poll list hold off on their transmission (which the Examiner somehow is also equating to a temporal offset), for all the poll responses to be complete thereby eliminating any chance of collisions. The Examiner has failed to explain what the poll list equates to (a wake-up schedule or a polling schedule). There appears to be only a single schedule in Fulthorp, so then there cannot be a selected temporal offset such that a rate of collisions between a wake-up schedule (a first schedule) and one or more existing schedules (a second schedule). If the Examiner is to maintain this rejection he is asked to point out in detail where in Fulthorp the first schedule is and the second schedule are disclosed. Further still, the offset is used to reduce collisions below a threshold value, not eliminate any chance of collision as cited by the Examiner.

Claim 2 was rejected under 35 U.S.C. §103(a) as being unpatentable over Fulthorp in view of Shorey and further in view of U.S. Patent No. 7068992 to Massie (hereinafter Massie). Claim 2 depends from claim 1 and is believed allowable as it depends from a base claim which is believed allowable.

In view of the above the Examiners' rejections are believed to have been overcome, placing the pending claims in condition for allowance and reconsideration and allowance thereof is respectfully requested.

Applicants hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this response, including an extension fee, that is not covered by an online payment made herewith, please charge any deficiency to Deposit Account No. 50-3735.

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If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-9660, in Westborough, Massachusetts.

Respectfully submitted,

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